

FOURTH REGULAR SESSION

April 8, 2013

Johnstown, NY

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Bradt, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 18 Absent: 2 (Supervisors Callery and Ottalagano)

Chairman Waldron called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag, Chairman Waldron asked if there was anyone from the public who wished to address the Board. There being no one present who wished to speak, Communications and Reports were then reviewed.

COMMUNICATIONS

1. Letter from New York State Department of Transportation, Transportation Maintenance Division, to Jon R. Stead, Clerk of the Board, dated March 21, 2013
Subj: Official Order H2576 of the Department of Transportation (Transfer of Portions of State Route 920B, County Route 118 & New Turnpike Road (NYSDOT Touring Route 67) in Fulton County
2. Communication from Delaware County Board of Supervisors
Subj: Resolution 47 Calling on New York State Governor Cuomo and the State Legislature to Amend the Secure Ammunition and Firearms Enforcement Act (NY Safe Act of 2013) to Address Issues related to County Costs and Implementation of Provisions Related to Mental Health Department of Mental Health
3. Communication from Chenango County Board of Supervisors
Subj: Resolution 44-13 Calling on Governor Andrew M. Cuomo and the State Legislature to Amend the Secure Ammunition and Firearms Enforcement Act, to Address Issues related to County Costs and Implementation of Provisions related to Mental Health
4. Communication from Chenango County Board of Supervisors
Subj: Resolution 54-13 Supporting the New York State Sheriffs' Associations Position on Governor Cuomo's New York Secure Ammunition and Firearms Enforcement Act of 2013
5. Communication from Seneca County Board of Supervisors
Subj: Resolution 31-13 Board of Supervisors Opposes "New York Safe Act"
6. Communication from Otsego County Board of Representatives
Subj: Resolution 147-20130306 Opposing the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013
7. Communication from Chemung County Legislature
Subj: Resolution 13-156 Calling for the Repeal of the New York Secure Ammunition and Firearms Enforcement Act of 2013
8. Communication from Ontario County Board of Supervisors
Subj: Resolution 58-2013 Calling for the Repeal of the New York Secure Ammunition and Firearms Enforcement Act of 2013 as Amended
9. Communication from Lewis County Board of Legislators

- Subj: Resolution 72-2013 In Support of Proposed General Permits for Silvicultural Treatments for Sustainable Forestry in the Adirondack Park
10. Communication from Fulton County Soil and Water Conservation District
Subj: 2013 Conservation District Newsletter
11. Communication from We the People of Schoharie County
Subj: Provenance of the People in opposition to the New York Safe Act
12. Communication from State of New York Public Service Commission
Subj: Order Granting Petition in Part and Modifying Electric Safety Standards (effective March 22, 2013)

REPORTS

- A. Fulton County Industrial Development Agency Basic Financial Statements – December 31, 2012

UPDATES FROM STANDING COMMITTEES

Finance: Vice-Chairman Fagan advised that an executive session will be needed to discuss terms and conditions of Resolution No. 124 (Resolution Approving Collective Bargaining Agreement between Fulton-Montgomery Community College, Fulton County, Montgomery County and Fulmont Association of College Educators).

CHAIRMAN'S REPORT

Chairman Waldron thanked the members of the Board for flowers that were sent to his wife during her recent recovery.

RESOLUTIONS

No. 104 (Resolution Setting Date of Public Hearing Regarding Fixed Base Operator Lease at the Fulton County Airport): Jon Stead, Administrative Officer, advised that the Agenda stated that this was a resolution to approve a lease for the Fixed Base Operator at the Fulton County Airport; however, a public hearing is required on such lease. Therefore, this resolution was amended to schedule a public hearing.

No. 112 (Resolution Re-allocating Certain 2011 Hazardous Materials Grant Funds in the Civil Defense Department): Supervisor DiGiacomo asked if the items being purchased were items that would expire and then need to be replaced. Mr. Stead stated some of the items do have shelf-lives. Supervisor DiGiacomo stated that he has concerns with this.

A motion was offered by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, to waive the Rules of Order to take Action on Late Resolutions 126-128.

No. 128 (Resolution Awarding Bids for Foodstuffs and Other Supplies for use in the Fulton County Correctional Facility): Supervisor DiGiacomo asked how many bids were received. Mr. Stead stated that two (2) bids were received for the foodstuffs and only one (1) bid was received for breads.

PROCLAMATIONS

DECLARING MAY 2013 “OLDER AMERICANS MONTH IN FULTON COUNTY”

WHEREAS, Fulton County is home to over 11,000 citizens aged 60 and older; and

WHEREAS, Fulton County Office for Aging is committed to valuing all individuals and recognizing their on-going life achievements; and

WHEREAS, older adults in Fulton County play an important role by contributing experience, knowledge, wisdom, and accomplishments to their community; and

WHEREAS, older adults are active in volunteerism, mentorship, arts, culture, and civic engagement; and

WHEREAS, our community can provide opportunities to allow older citizens to continue to flourish by:

- Recognizing the importance of elders and their leadership.
- Presenting opportunities for older Americans to share their wisdom, experience, and skills.
- Recognizing older adults for strengthening American communities.

now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby proclaims May 2013, as “OLDER AMERICANS MONTH IN FULTON COUNTY”, and urges everyone to recognize older adults and the people who serve and support them as vital contributors to the community.

Chairman Waldron called for a ten minute recess at 1:20 p.m.

Chairman Waldron called the meeting back to order at 1:30 p.m.

Chairman Waldron opened the Public Hearing at 1:30 p.m. for the purpose of receiving comments regarding Local Law “A” of 2013 entitled “Local Law establishing Real Property Tax Exemption for Nonresidential Real Property converted to Mixed-Use Property in accordance with Section 485-A of the New York State Real Property Tax Law”.

Darren Romeyn, 384 Steele Avenue Ext, Johnstown – Mr. Romeyn stated that he was the owner of Romeyn Design and MaryAnn’s Restaurant. He stated that he is in favor of the proposed local law. He believes the County should approve this local law to offer an incentive to building owners to improve their properties. He stated that the County needs a, “shot in the arm financially and aesthetically”. If this law is passed, it will preserve the tax base of Fulton County. He stated the Board members need to be “future thinkers”. Mr. Romeyn stated that with this local law, an increase in tax revenue will be seen at the ninth year. He stated that he has researched this on the internet and many other legislative bodies have approved this same local law. Mr. Romeyn asked that the Board not be “narrow minded” on this local law and to be forward-thinkers who want to take advantage of this unique opportunity to invest in the future of Fulton County.

Chairman Waldron asked if there was anyone else from the public who wished to address the Board regarding proposed Local Law “A” of 2013 entitled, “Local Law Establishing Real Property Tax Exemption for Nonresidential Property converted to Mixed-Use Property in Accordance with Section 485-A of the New York State Real Property Tax Law”. There being no other interested speakers, Chairman Waldron stated that he would keep the public hearing open until 1:45 p.m.

Upon a motion by Supervisor Fagan, seconded by Supervisor Gendron and unanimously carried, the Board entered into Executive Session at 1:35 p.m. to discuss collective bargaining.

Upon a motion by Supervisor DiGiacomo, seconded by Supervisor Fagan and unanimously carried to re-enter into Regular Session at 1:42 p.m.

Chairman Waldron asked if there were any other members of the public who wished to make comments regarding the Public Hearing to receive comments on Proposed Local Law “A” of 2013 entitled, “Local Law Establishing Real Property Tax Exemption for Nonresidential Property converted to Mixed-Use Property in Accordance with Section 485-A of the New York State Real Property Tax Law”. There being no further speakers, Chairman Waldron closed the Public Hearing at 1:42 p.m.

No. 116 (Resolution Adopting Local Law “A” of 2013 entitled, “Local Law Establishing Real Property Tax Exemption for Nonresidential Real Property Converted to Mixed-Use Property in Accordance with Section 485-A of the New York State Real Property Tax Law”): Supervisor Johnson asked if anyone could project how many businesses are going to apply for this. Mr. Stead stated he does not have a projection because it is difficult to predict how many will apply or start construction projects.

Supervisor Gendron stated he estimated that it would be less than five (5) following discussions he had with RPTSA Director Peter Galarneau. Mr. Johnson stated that he is concerned with the “residential part, not the business part” of the local law.

Supervisor Fagan stated that this law only applies to the City of Gloversville, but any other municipality within Fulton County can adopt similar legislation and then the County would also be asked to consider it for adoption.

Supervisor DiGiacomo stated he has been opposed to this from the beginning because he believes that residential taxes should not be exempt. He stated anyone that lives in these buildings will use all the services the County and City provide, but would not pay for these services. He stated that he sees room for abuse with this local law. He stated that he obtained a few statistics from Shery Cooper, Commissioner of Social Services regarding the number of public assistance cases. It was noted that the City of Gloversville had 194 open cases versus the City of Johnstown with 36 open cases that receive rent assistance. The City of Gloversville receives five times the amount of rent aid than the City of Johnstown.

Supervisor DiGiacomo also stated that Mayor King recently stated that he believes the City of Gloversville has too much housing, and that more than 13 percent of properties remain vacant. Supervisor DiGiacomo asked why the County would want to encourage more residential properties being built in the City of Gloversville under these conditions.

Supervisor Lauria stated that this proposal is a “golden opportunity” for the City of Gloversville. It will bring in businesses with residents living in the downtown area and this is a “win-win” situation. He stated that he would like to see the City of Johnstown and Village of Broadalbin take advantage of this exemption. He stated this is a golden opportunity for people to invest in the County.

Supervisor Kemper said that she is “torn” on this issue. She sees the opportunity it could provide “down the road” but it should not be a burden placed on the backs of the rest of the taxpayers. She stated that it could also be an opportunity for abuse and asked how it will be monitored. She stated that she already has concerns on the loss of sales tax revenue to the towns when the new Wal-Mart opens this summer.

Supervisor Ponticello stated that this is an initiative and incentive for owners already in the downtown area. These properties will eventually be reassessed and the stream of tax revenue will increase. He also stated that anyone that applies for the 485-A exemption will have to go through a process such as obtaining a building permit, etc.

Supervisor Born stated this has been discussed at length and this is our chance to look for the future of our county and for our younger people who are shying away from coming back home. She stated it also provides a better chance to attract businesses as well as some of the people who have moved away because of housing. She stated that it would be a mistake not to seize this opportunity.

Supervisor Ottuso stated that this will be great for investors and that he is in favor of this local law.

NEW BUSINESS

Supervisor Potter advised that he recently represented the County as a judge for the HFM Drug Quiz. He stated that it was very nice to see the kids being studious and answering questions regarding the peer pressure of drugs and drinking. He stated that FMCC provided a pizza luncheon for everyone and that Mayfield School won the contest.

Upon a motion by Supervisor Fagan, seconded by Supervisor Kemper and unanimously, the meeting adjourned at 1:58 p.m.

Certified by:

*Jon R. Stead, Administrative Officer/
Clerk of the Board*

Date

Resolution No. 102

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION IN MEMORY OF FORMER YOUTH ADVISORY BOARD CHAIRMAN
STEPHEN S. SPURZA**

WHEREAS, Stephen S. Spurza passed away on Tuesday, March 12, 2013; and

WHEREAS, the people of Fulton County were saddened by the loss of a good friend and benefactor in public service; and

WHEREAS, Stephen S. Spurza served as a founding Board Member of the Fulton County Youth Bureau from 1977 until his retirement in June 2006 and was devoted to administering all aspects of the Youth Bureau; and

WHEREAS, Stephen served on the Board of Directors of the Fulton County YMCA, was a longtime member of the Fulton County Chapter of the American Heart Association, the Gloversville Lions Club and the Loyal Order of the Moose Lodge No. 1185; and

WHEREAS, Stephen was a dedicated educator and Principal in the Gloversville Enlarged School District; now, therefore be it

RESOLVED, That the Board of Supervisors hereby joins with all the people of Fulton County to posthumously express its gratitude to Stephen S. Spurza for his dedicated service to the Fulton County Youth Bureau; and, be it further

RESOLVED, That the Board of Supervisors hereby conveys its expression of deepest sympathy to his entire family, including his wife Rose and daughters Joanne and Barbara; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the family of Stephen S. Spurza and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by SILENT STANDING and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 103

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BIDS FOR VARIOUS HIGHWAY CONSTRUCTION MATERIALS FOR USE IN THE DEPARTMENT OF HIGHWAYS AND FACILITIES

WHEREAS, Resolution 34 of 2013 authorized advertisement for bids for various highway construction materials for use in the Department of Highways and Facilities, and said bids were opened on March 6, 7 and 13, 2013, respectively; now, therefore be it

RESOLVED, That bids for various Construction Materials and Lubricants for use by the Fulton County Highway Department, as placed on file in the Purchasing Office and identified by specification number below, be and hereby are accepted and awarded, and that the County, towns and villages in Fulton County may purchase the materials needed (when appropriate) from the plant whose bid price, plus hauling cost, indicates that the supplies will be delivered to the job site at the lowest price:

- D 3310.1 Acrylic Water Borne Pavement Markings - Seneca Pavement Markings
- D 5110.1 Bridge Repair – R&B Construction, LLC
- D 5110.2 Pneumatically Projected Concrete – R&B Construction, LLC
- D 5110.3 Ready Mix Concrete – Clemente Latham Concrete, Fulmont Ready Mix, Miller's Ready Mix Concrete
- D 5110.4 Plant Mixed Patching Material – Callanan Industries, Cushing Stone Co., Hanson Aggregates, Pallette Stone Corp.
- D 5110.5 Corrugated Metal & Polyethylene Pipe – Lane Enterprises, Chemung Supply Corp.
- D 5110.6 Guide Railing – Chemung Supply Corp.
- D 5110.7 Vegetation Control – Allen Chase Enterprises
- D 5112.1 Coarse Aggregates; Crushed Stone/Crushed Gravel – Callanan Industries, Carver Sand & Gravel, Cranesville Block, Cushing Stone, Delaney Crushed Stone Products, Hanson Aggregates, Maple Avenue Sand & Gravel, Pallette Stone Corp., Peckham Materials Corp, Rifenburg Construction
- D 5112.2 Asphalt Concrete – Callanan Industries, Cushing Stone Co., Hanson Aggregates, Pallette Stone Corp., Peckham Rd. Corp, Pompa Bros, Inc.
- D 5112.4 Cold-In Place Recycling Type I – Gorman Brothers, Reclamation LLC
- D 5112.5 Cold Planing – Callanan Industries, Killian Construction, Kubricky Construction, Peckham Road Corp.
- D 5112.6 In-Place Road Base Stabilization – Gorman Brothers, Reclamation LLC
- D 5112.7 Cold In-Place Recycling Hammermill Method – Bell & Flynn
- D 5112.8 Hot In-Place Asphalt Recycling – Highway Rehabilitation Corp.
- D 5142.1 Abrasives Snow & Ice Control – Carver Sand & Gravel, Cranesville Block Co., Inc. Delaney Crushed Stone, Maple Avenue Sand & Gravel, Rifenburg Construction
- DM 5130.1 Lubricants – RH Crown, Farrell Oil Co.

and be it further

Resolution No. 103 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 104

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE OF PUBLIC HEARING REGARDING FIXED BASE OPERATOR LEASE AT THE FULTON COUNTY AIRPORT

WHEREAS, Resolution 174 of 2008 authorized a lease agreement with the 195 Factory, LLC, for Fixed Base Operator Services at the Fulton County Airport for a term of five (5) years, commencing May 12, 2008 through May 11, 2013; and

WHEREAS, the lease agreement stipulates that said lease may be renewed for two (2) five-year additional terms; and

WHEREAS, following negotiations, certain revisions of the lease terms and conditions have been proposed as “Exhibit A: Summary of Proposed Changes to 2008 Lease Agreement between Fulton County and The 195 Factory”, as placed on file in the Board of Supervisors Office; now, therefore be it

RESOLVED, That in accordance with Section 352 of General Municipal Law, a public hearing shall be held to receive public comments regarding a five (5) year lease agreement between the County of Fulton and The 195 Factory, LLC, for Fixed Base Operator Services at the Fulton County Airport, on Monday, May 13, 2013, at 1:30 p.m., in the Supervisors’ Chambers, County Office Building, Johnstown, NY, and at least seven days’ notice (excluding Sundays) of such public hearing shall be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, The 195 Factory, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 105

Supervisors GENDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID FOR A LANDFILL
COMPACTOR FOR USE IN THE SOLID WASTE
DEPARTMENT (2013 CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan identifies a Landfill Compactor for use by the Solid Waste Department; and

WHEREAS, Resolution 41 of 2013 authorized advertisement for bids for said landfill compactor and three (3) bids were received; and

WHEREAS, the apparent low bidder, Nortrax of Clifton Park, NY, did not meet the minimum requirements of the Bid Specification; and

WHEREAS, the Solid Waste Director and Purchasing Agent recommend awarding the bid to Southworth Milton for a CAT 836H Compactor as the lowest responsible bidder; and

WHEREAS, inasmuch as the final bid amount is significantly lower than was projected, the Budget Director recommends amending the Budget to reflect the actual expenditures; now, therefore be it

RESOLVED, That the net bid, in an amount of \$469,676.00 as submitted by Southworth Milton, of Clifton Park, NY, for the purchase of a CAT 836H Landfill Compactor (with trade-in) for use in the Solid Waste Department be and hereby is awarded; they being the lowest responsible bidder in accordance with Specification No. 2013-86-01, dated 14 February 2013; and, be it further

RESOLVED, That the bid from Nortrax, be and hereby is rejected; and, be it further

RESOLVED, That the 2013 Adopted Budget, be and hereby, is amended as follows:

Decrease EW-081-0599.000 Appropriated Fund Balance	\$55,324.00
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Revenue

Increase EW-083-2665.000 Sale of Equipment	\$43,000.00
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Appropriation

Decrease EW-865-8162.201 Cent Landfill Oprns-Capital Equipment	\$12,324.00
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and, be it further

Resolution No. 105 (continued)

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: EW-082-0878.000 CL Bldg/Equipment Depreciation
To: EW-082-0909.000 Fund Balance
Sum: \$469,676.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 106

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOLID WASTE
DEPARTMENT AND BARTON & LOGUIDICE, PC FOR PREPARATION OF
TITLE V AIR PERMIT RENEWAL APPLICATION**

WHEREAS, the County of Fulton was issued a Title V Air Permit by the NYS Department of Environmental Conservation for the Fulton County Landfill for the period 2009 through 2013; and

WHEREAS, said permit application and ongoing annual reports were prepared by Barton & Loguidice Engineers under contract to the Solid Waste Department; and

WHEREAS, a new application for renewal of the County's Title V Air Permit must be prepared and submitted at least 180 days prior to expiration of the existing five year permit; and

WHEREAS, the Solid Waste Department and Committee on Economic Development and Environment recommends contracting with Barton and Loguidice for the Title V Air Permit application for the period 2014 through 2018; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and Barton and Loguidice Engineers of Syracuse, NY, to prepare the required Landfill Title V Air Permit renewal application, at a cost not to exceed \$6,800.00; said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That said cost be a charge against EW-865-8162.430 Cent Landfill Oprns-Air Permit; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Barton and Loguidice Engineers, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 107

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING CERTAIN MEMBERS TO THE FULTON
COUNTY YOUTH BUREAU ADVISORY BOARD**

WHEREAS, vacancies exists on the Fulton County Youth Advisory Board; now, therefore be it

RESOLVED, That the following individuals be and hereby are appointed to the Fulton County Youth Bureau Advisory Board to fill unexpired terms as follows:

January 1, 2012 – December 31, 2014

Jada Diodato	Youth Representative
Greg Mytelka	Youth Representative

January 1, 2013 – December 31, 2015

Denise Benton	General Member
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and, be it further

RESOLVED, That said Appointees are hereby directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, OFA & Youth Bureau Director, All Appointees and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 108

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CHILDREN
WITH HANDICAPPING CONDITIONS TRANSPORTATION
PROGRAM (2013-2014)

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from contractors for the Children with Handicapping Conditions Transportation Program (and according to further specifications which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, May 8, 2013, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 109

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE COMMUNITY SERVICES
DEPARTMENT AND ST. MARY'S HEALTHCARE FOR COMMUNITY ALCOHOLISM
AND SUBSTANCE ABUSE SERVICES**

WHEREAS, Resolution 457 of 2012 authorized contracts between the Fulton County Community Services Board and Independent Contractors for the Mental Health Clinic; and

WHEREAS, the Director of Community Services is requesting to contract between the Fulton County Community Services Board and St. Mary's Healthcare for alcoholism and substance abuse services programs; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Fulton County Community Services Board and St. Mary's Healthcare of Amsterdam, NY, for alcoholism and substance abuse services programs, effective retroactively to January 1, 2013 through December 31, 2013, at State set rates; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That said contract be subject to further review by the appropriate Committee of this Board of Supervisors in the event of any changes/reductions in State and/or Federal revenues; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Community Services Director, St. Mary's Healthcare, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 110

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF A COMPUTER TAPE DRIVE
AND ACCESSORIES FOR USE IN THE COMMUNITY SERVICES DEPARTMENT**

WHEREAS, the Community Services Director requests authority to purchase a Computer Tape Drive and Accessories to archive and retrieve billing data for the former Mental Health Clinic and Addiction Services Clinic; and

WHEREAS, the Director of Community Services has indicated that Deferred Federal Salary Sharing Funds are available and may be used for said purpose; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Human Services, the Community Services Director be and hereby is authorized to purchase the following equipment:

	<u>Cost</u>
Tape Drive and Accessories	\$2,691.23

and, be it further

RESOLVED, That the 2013 Adopted Budget be, and hereby is, amended as follows:

Revenue Account:

Increase A-083-4490.000 MH Fed Salary Sharing	\$2,692.00
(A-082-0691.445 Deferred Revenue)	

Appropriation Account:

Increase A-445-4310.200 Mental Health – Equipment	\$2,692.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Community Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 111

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING KELLY J. COLLINS TO
THE FULTON COUNTY TRAFFIC SAFETY BOARD**

WHEREAS, a vacancy exists on the Fulton County Traffic Safety Board; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety, the following individual be and hereby is appointed to the Traffic Safety Board for the balance of the term, as follows:

January 1, 2011 Through December 31, 2013:

Kelly J. Collins

and, be it further

RESOLVED, That said appointee is required to complete the Fulton County Board of Ethics Financial Disclosure Statement and is further directed to sign the Fulton County Oath Book, located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, District Attorney, Fulton County Board of Ethics, Traffic Safety Board, Kelly J. Collins and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 112

Supervisors KEMPER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RE-ALLOCATING CERTAIN 2011 HAZARDOUS MATERIALS GRANT FUNDS IN THE CIVIL DEFENSE DEPARTMENT

WHEREAS, Resolution 156 of 2012 accepted a 2011 Hazardous Materials Grant from the NYS Office of Homeland Security and Emergency Services, in the amount of \$125,000.00; and

WHEREAS, due to time constraints, approximately \$51,000.00 of said grant monies remain unspent; now, therefore be it

RESOLVED, That upon the recommendation of the Civil Defense Director and Committees on Public Safety and Finance, the Civil Defense Director be and hereby is authorized to expend 2011 Hazardous Material Grant funds to purchase the items identified herein, in approximate amounts, as follows:

Ammonia & Chlorine Detectors (4)	\$ 6,227.02
Throat Microphones (12)	9,218.52
Encapsulated Suits (2)	<u>4,991.40</u>
	\$20,436.94

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def – SHSP	\$20,436.94
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Appropriation Account:

Increase A-385-3645.201 Civil Def –SHSP-Equip	\$20,436.94
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and, be it further

RESOLVED, That the Civil Defense Director is hereby directed to carry out said purchases expeditiously and complete all grant requirements in 2013; and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 112 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 113

Supervisors KEMPER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RE-ALLOCATING CERTAIN 2012 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM FUNDS IN THE SHERIFF'S OFFICE

WHEREAS, Resolution 188 of 2012 accepted a 2012 Homeland Security Program grant and a Law Enforcement Terrorism Prevention Program (LETPP) grant, in a total amount of 72,000.00; and

WHEREAS, as a component of said grant award, \$18,000.00 in LETPP funds were allocated to the Sheriff's Department for law enforcement purposes; and

WHEREAS, the Sheriff requests that said funds be used to purchase certain dispatch software and mobile communications subscriptions; and

WHEREAS, the NYS Office of Homeland Security has approved the use of the LETPP funds for said purchases; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase certain items with 2012 LETPP funds, in approximate amounts as follows:

Impact Software	\$ 7,948.99
Impact Text Messaging Software	3,878.50
USB Air Card	6,122.43

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.003 Sheriff-SLETPP	\$17,951.00
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Appropriation Account:

Increase A-305-3645.203 Sheriff-SLETPP-Equipment	\$11,828.00
Increase A-305-3645.403 Sheriff-SLETPP-Contractual	6,123.00

and, be it further

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Sheriff be and hereby is authorized to purchase the Impact Software equipment for the Village of Broadalbin Police Department, Village of Northville Police Department and the Gloversville Police Department for immediate transfer utilizing LETPP grant funds; and

Resolution No. 113 (continued)

RESOLVED, That the Sheriff is hereby directed to carry out said purchases expeditiously and complete all grant requirements in 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 114

Supervisors KEMPER AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF THREE (3) PRINTERS FOR USE IN THE
SHERIFF'S DEPARTMENT**

WHEREAS, the Sheriff requests authority to purchase three (3) new Printers to replace broken printers in the Sheriff's Department; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Sheriff be and hereby is authorized to purchase the following equipment:

	<u>Cost</u>
(3) Printers	\$789.00

and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-305-3113.403 Communications CTR-Repairs
To: A-305-3110.200 Sheriff Dept-Equip
Sum: \$789.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 115

Supervisors KEMPER AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING TRANSFER OF CERTAIN EQUIPMENT TO THE
CITY OF GLOVERSVILLE POLICE DEPARTMENT AND VILLAGE OF
BROADALBIN POLICE DEPARTMENT**

WHEREAS, the Sheriff has identified certain equipment originally purchased with U.S. Department of Justice “COPS MORE” grant funds as excess property; and

WHEREAS, the Sheriff recommends that said equipment be transferred to the City of Gloversville Police Department and the Village of Broadalbin Police Department; now, therefore be it

RESOLVED, That certain County equipment be, and hereby is, transferred to the City of Gloversville Police Department and Village of Broadalbin Police Department as follows:

<u>ID Number</u>	<u>Item</u>	<u>City/Village</u>
0006747	L-Tron Scanner	City of Gloversville Police Dept.
0006993	Pentax Printer	Village of Broadalbin Police Dept.
0006996	Pentax Printer	Village of Broadalbin Police Dept.
0007002	Pentax Printer	Village of Broadalbin Police Dept.

and, be it further

RESOLVED, That said equipment be removed from the County’s Fixed Assets Inventory; and, be it further

RESOLVED, That the Sheriff and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 116

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW “1” OF 2013 ENTITLED, “LOCAL LAW ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR NONRESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY IN ACCORDANCE WITH SECTION 485-A OF THE NEW YORK STATE REAL PROPERTY TAX LAW”

WHEREAS, proposed Local Law "1" of 2013 entitled, "A LOCAL LAW ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR NONRESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY IN ACCORDANCE WITH SECTION 485-A OF THE NEW YORK STATE REAL PROPERTY TAX LAW" has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on April 8, 2013, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law No. "1", hereinabove referenced, be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Fulton County Code Book, Real Property Tax Services Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 393 (13) Nays: 110 (5) (Supervisors Capek, DiGiacomo, Howard, Johnson, and Kemper) Absent: 48 (2) (Supervisors Callery and Ottalagano)

COUNTY OF FULTON
LOCAL LAW “1” OF 2013 ENTITLED,
“LOCAL LAW ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR
NONRESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY
IN ACCORDANCE WITH SECTION 485-A OF THE NEW YORK STATE REAL
PROPERTY TAX LAW”

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON,
AS FOLLOWS:

Purpose:

By providing a tax incentive, the Fulton County Board of Supervisors wishes to encourage conversion of non-residential real property to mixed use property within the towns, cities and villages.

Authority:

This local law is made pursuant to New York State Real Property Tax Law §485-a.

Definitions:

As used in this section, the following terms shall have the following meanings:

- (A) “Applicant” means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.
- (B) “Commercial construction work” means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.
- (C) “Commercial purpose or use” means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in mixed-use property.
- (D) “Mixed-use property” means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- (E) “Person” means an individual corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

- (F) “Residential construction work” means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Residential-Commercial Urban Exemption Program:

- A. The provision of this section shall only apply to Non-Residential Real Property converted to mixed-use property.
- B. Such real property shall be exempt for a period of eight (8) years to the extent of one hundred percent (100%) of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four (4) years; provided, however that the extent of such exemption shall be decreased by twenty percent (20%) for each year during such additional period of four (4) years and such exemption shall be computed with respect to the “exemption base” with the exemption base being determined for each year in which there is an increase in assessed value so attributable from that of the previous year’s assessed value.

The computation of the tax exemption shall be as follows:

Years 1 through 8	100% of exemption base
Year 9	80% of exemption base
Year 10	60% of exemption base
Year 11	40% of exemption base
Year 12	20% of exemption base

- C. No such exemption shall be granted unless such conversion was commenced subsequent to the effective date of this local law; and the cost of such conversion exceeds the sum of Ten Thousand Dollars (\$10,000).
- D. For purposes of this section, the term “conversion” shall not include ordinary maintenance and repairs.
- E. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the New York State Board of Real Property Services, the original of which shall be filed with the Assessor. Such application shall be filed on or before the taxable status date applicable to the municipality within one (1) year of the date of completion of such conversion.

- F. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve (12) year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.
- G. This local law shall apply to all assessment rolls prepared on the basis of taxable status dates occurring on or after the effective date of this local law.

8. Severability:

If any section of subsection, paragraph, clause, phrase or portion of this chapter shall be judged invalid or held unconstitutional by a court of competent jurisdiction, any judgment made thereby shall not affect the validity of this chapter as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

9. Effective Date:

This local law shall take effect upon filing in the office of the Secretary of the State as provided by Municipal Home Rule Law.

Resolution No. 117

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID TO MANGINO CHEVROLET FOR THE LEASE OF TWO (2) SEDANS FOR USE IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Resolution 78 of 2013 authorized advertisement for bids for the lease of two (2) sedans for a period of 36 months for use in the Social Services Department and three (3) bids were received; now, therefore be it

RESOLVED, That the net bid, as identified below, for the lease of two (2) sedans for use in the Social Services Department be and hereby is awarded, as recommended by the Commissioner of Social Services and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2013-50-01, dated March 15, 2013:

Mangino Chevrolet	(2) Chevy Cruz	\$169.93 per month per car	\$6,214.98 per vehicle
		(\$97.50 per car prep fees)	

and, be it further

RESOLVED, That said cost be a charge against A-505-6010.419 DSS-Auto Rentals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Commissioner of Social Services, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 118

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID TO PHOENIX GRAPHICS FOR ELECTION SUPPLIES AND PRINTED MATERIALS FOR USE IN THE BOARD OF ELECTIONS (2013-2014)

WHEREAS, Resolution 63 of 2013 authorized advertisement for bids for the purchase of election supplies and printed materials for use in the Board of Elections and two (2) bids were received; now, therefore be it

RESOLVED, That the net bid, in an amount of \$31,240.24, as submitted by Phoenix Graphics of Rochester, NY, for the purchase of election supplies and printed materials for use in the Board of Elections be and hereby is awarded, as reviewed and recommended by the Board of Elections and Purchasing Agent; they being the lowest responsible bidder in accordance with Specification No. 2013-22-02; and, be it further

RESOLVED, That said cost be a charge against applicable Board of Elections accounts; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 119

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING LEE HOLLENBECK REPUBLICAN
BOARD OF ELECTIONS COMMISSIONER**

WHEREAS, the term of Republican Board of Elections Commissioner expired on December 31, 2012; and

WHEREAS, Resolution 662 of 2008 fixed a two-year term for Board of Elections Commissioners; and

WHEREAS, the Fulton County Republican Committee has filed with the Board of Supervisors a recommendation that Lee Hollenbeck be appointed Board of Elections Commissioner; now, therefore be it

RESOLVED That the Fulton County Board of Supervisors, upon the recommendation of the Fulton County Republican Committee, hereby appoints Lee Hollenbeck, of Broadalbin, NY, as Board of Elections Commissioner of Fulton County, effective immediately, for the balance of the term January 1, 2013 through December 31, 2014; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Lee Hollenbeck, Fulton County Republican Committee, Fulton County Clerk, as provided by Section 30, Subdivision 3 of the Election Law, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 120

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION DENYING A CORRECTION OF ERRORS (DOLAN) IN THE
TOWN OF OPPENHEIM**

WHEREAS, the Correction of Errors application listed herein was reviewed by the Real Property Tax Services Agency Director who has recommended Denial, inasmuch as the claim does not qualify for review as a Correction of Errors due to a lack of jurisdictional authority; now, therefore be it

RESOLVED, That the following application for Correction of Errors in the Town of Oppenheim be and hereby is denied:

Town of Oppenheim:

Dolan, Edmund & Christine	Parcel #142.-1-32.2	Section 520(2)(c) (lack of jurisdictional authority)
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and, be it further

RESOLVED, That the Real Property Tax Services Agency Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 121

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING WRITE-OFF OF DELINQUENT TAXES ON PARCEL IN THE TOWN OF OPPENHEIM

WHEREAS, in accordance with Resolution 222 of 2011, the Town of Oppenheim purchased County-foreclosed property on State Highway 29 (Parcel 126.2-1-47) in the Town of Oppenheim;

WHEREAS, in accordance with the aforementioned Resolution, the Town of Oppenheim paid all delinquent taxes on this property and the title was transferred on June 27, 2012; and

WHEREAS, the tax roll was not updated to reflect the new tax exempt status of said resulting in the issuance of a 2012-13 School Tax bill and a 2013 Town and County tax bill; now, therefore be it

RESOLVED, That the County Treasurer is hereby authorized to waive all delinquent taxes in the amount of \$3,283.12 for Town of Oppenheim owned parcel 126.2-1-47 in the Town of Oppenheim; and, be it further

RESOLVED, That the County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Town of Oppenheim Assessor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 122

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AUCTION OF 169 KINGSBORO AVENUE IN THE CITY
OF GLOVERSVILLE (SECOND CHANCE POLICY)**

WHEREAS, Resolution 387 of 2010 established a “Second Chance” policy for tax-foreclosed parcels on the County demolition list in accordance with “Operation Green Scene”; and

WHEREAS, Resolution 194 of 2012 referred county-owned tax foreclosure parcel 134.15-8-22 (169 Kingsboro Avenue) to the Fulton County Demolition Team for razing; and

WHEREAS, a citizen has submitted a written request to remove said parcel from the demolition list for public sale, accompanied by the required \$5,000.00 deposit, so that he could have the opportunity to purchase and rehabilitate it; now, therefore be it

RESOLVED, That upon the recommendation of the Finance Committee, county-owned tax foreclosure parcel 134.15-8-22 (169 Kingsboro Avenue) be and hereby is removed from the County demolition list for inclusion in the June 2013 tax foreclosure auction; and, be it further

RESOLVED, That the County Treasurer and Purchasing Agent do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 123

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Sheriff:

McKinney Law Books (0002250) (Purchased 1/1/97)

Public Health:

Canon P1010-D11 Calculator (Purchased 2004)

Metro Bathroom Scale (3) (Purchased 2000)

Sunbeam Memorie II Scale (Purchased 2000)

Solid Waste:

Pressure Washer (0003619) (Purchased 2/24/97)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Public Health Director, Superintendent of Highways and Facilities, Solid Waste Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 124

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN
FULTON-MONTGOMERY COMMUNITY COLLEGE, FULTON COUNTY,
MONTGOMERY COUNTY AND FULMONT ASSOCIATION OF COLLEGE EDUCATORS**

WHEREAS, negotiations have been completed for a successor employment agreement between the Fulton-Montgomery Community College, Fulton County, Montgomery County and the Fulmont Association of College Educators (FACE); now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Memorandum of Agreement by and between the Fulton-Montgomery Community College, Fulton County, Montgomery County and the Fulmont Association of College Educators (FACE), effective September 1, 2012 through August 31, 2016, as attached hereto and made a part hereof; and, be it further

RESOLVED, That said agreement is contingent upon adoption of a similar resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, FMCC, FMCC Board of Trustees, Montgomery County Board of Supervisors, Martin, Shudt, Wallace, DeLorenzo & Johnson, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Memorandum of Agreement

*By and Between
Fulton-Montgomery Community College and
The Fulmont Association of College Educators*

DATE: February 14, 2013
SUBJECT: Successor Agreement to CBA Expired 8/31/2012

Whereas, the current Negotiated Agreement expired August 31, 2012, and

Whereas, the College and the Fulmont Association of College Educators (FACE) have engaged in bargaining related to a successor agreement, and

Whereas, the College and FACE agreed upon the following items:

1. Article VII Professional Workshops and Conferences. Increase professional development allocations by 1.7% each year of the Agreement
2. Article XI Leaves of Absence. Two additional bereavement days with approval of supervisor.
3. Article XIII Insurance. Reduce from 3 plans to Article 44 Trust. No specified benefits contract. Eliminate grant language and two person plan.
4. Article XIII Retirement. Add language that FACE member must have completed ten (10) consecutive years of full-time service and be a minimum of fifty-five (55) years of age to be eligible. Adjust the accumulated sick leave schedule with two lower tiers and adjustment payments as shown below.

<u>Days</u>	<u>Maximum</u>
0-49	\$0
50	\$15,000
100	\$20,000
150	\$25,000
200	\$30,000
250	\$35,000
300	\$40,000
350	\$45,000
400	\$50,000

5. Article XVI Faculty Loads and Class Schedules. Increase weighted student contact hours by 1.7 % each year of the contract. Add compensation for Directed and Independent Studies at \$70/Student/Credit Hour.
6. Article XVIII Duration of Agreement. 4 years.
7. Schedule A Salary Increases and Ranges. Increase base salaries, ranges and continuing education schedule by 1.7% annually. Increase promotional stipend from \$800 to \$1,000. All increases effective 9/1/2012.
8. Add titles, leadership assignments and clarification language previously agreed upon through Labor-Management review.

All other terms and conditions of the immediately preceding collective bargaining agreement shall continue in full force and effect.

Fulton-Montgomery Community College

Fulmont Association of College Educators



Lee Hollenbeck



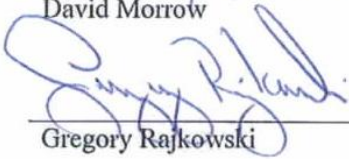
Lena Andersson



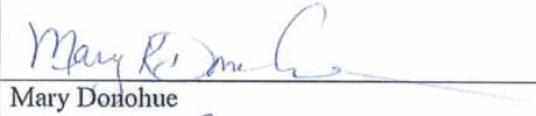
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William Bonner



Gregory Rajkowski



Mary Donohue



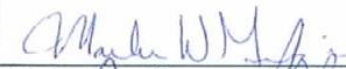
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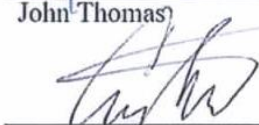
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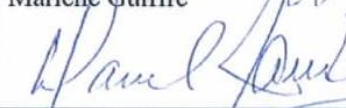
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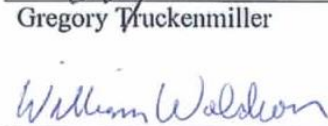
Marlene Guiffre



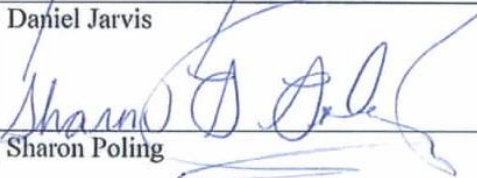
Gregory Truckenmiller



Daniel Jarvis



William Waldron



Sharon Poling

Resolution No. 125

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN BUDGET AMENDMENTS

RESOLVED, That the 2013 Adopted Budget be and hereby is amended as follows:

Revenue:

Increase A-083-2680.000 Insurance Recoveries	\$ 864.00
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Appropriation:

Increase A-245-1621.403 Co Complex-Repairs	\$ 864.00
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Revenue:

Increase A-081-0599.000 Appropriated Fund Balance	\$100,000.00
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Appropriation:

Increase A-505-6020.400 RHCF Post Closing Contractual	\$100,000.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Supt. of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 126

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2013-2014 STATE
AID TO PROSECUTION GRANT FROM THE NYS DEPARTMENT OF CRIMINAL
JUSTICE SERVICES AND ALLOCATING CERTAIN STIPENDS THEREFROM
(DISTRICT ATTORNEY)**

WHEREAS, the District Attorney has requested permission to apply for and accept 2013-2014 "State Aid to Prosecution" Grant funds, in the amount of \$29,200.00; and

WHEREAS, the Committee on Public Safety has reviewed a request from the District Attorney to apply said grant funds toward salary increases for certain employees in the District Attorney's Office and fringe benefits related to the increases; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to submit an application for, and authorize acceptance from, the NYS Department of Criminal Justice Services for State Aid to Prosecution funding, in an amount of \$29,200.00, effective April 1, 2013 through March 31, 2014; and, be it further

RESOLVED, That effective April 1, 2013, stipends be established in the 2013 Adopted Budget for the following positions in the District Attorney's Office at the identified annualized rates:

1st Assistant District Attorney	\$10,102.10
2nd Assistant District Attorney	8,377.72
3rd Assistant District Attorney	5,401.07
Confidential Secretary	1,556.96

and, be it further

RESOLVED, That the remainder of the grant funds, in an amount of \$3,762.15, be applied for fringe benefits; and, be it further

RESOLVED, That said stipends shall exist independent of the regular salaries of the identified positions and shall not, at any time, be considered a part of the base salary nor be utilized for computation of salary increases; and, be it further

RESOLVED, That said stipends for the specified positions in the District Attorney's Office be and hereby are contingent upon full funding in the form of the "Aid to Prosecution Grant" from New York State, with the understanding that these stipends will expire immediately, if and when these specific grant funds are discontinued; and, be it further

RESOLVED, That the District Attorney and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 126

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 127

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADJUSTMENT TO THE 2013 ADOPTED BUDGET
TO RECOVER OVER-EXPENDED AMOUNTS IN 2012**

WHEREAS, the Committee on Finance reviewed a list of department accounts that were overdrawn by departments in 2012; and

WHEREAS, the Committee on Finance recommends reducing the following 2013 department budget to recover the amount to the Fund Balance that was overdrawn beyond the authorized amount in 2012; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer from the following 2013 appropriation account to recover an over-expended amount in 2012:

A-245-1623.458 Fire Trng Ctr-Fuel Oil	\$218.48
A-305-3113.110 Communications Ctr-OT	\$449.84

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)

Resolution No. 128

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BIDS FOR FOODSTUFFS AND OTHER SUPPLIES FOR
USE IN THE FULTON COUNTY CORRECTIONAL FACILITY**

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective May 1, 2013 through August 31, 2013, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Sysco Foods	Frozen Foods	\$20,465.66
Halfmoon, NY	Refrigerated Foods/Dry Goods	25,628.91
Bimbo Foods	Bread and Rolls	5,547.50
Albany, NY		

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Correctional Facility, Sheriff, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Callery and Ottalagano)